

## NOTICE OF CLASS CERTIFICATION

### **If you underwent orthopedic or spinal surgery at Porter Adventist Hospital between July 21, 2016, and April 5, 2018, you may be a member of a certified class.**

*A court authorized this Notice. It is not a solicitation from a lawyer. You are not being sued.*

- A class action lawsuit is pending in the District Court, City and County of Denver, State of Colorado (“the Court”), against Portercare Adventist Health System, d/b/a Centura Health-Porter Adventist Hospital and Centura Health Corporation (“Defendants”). The lawsuit alleges that Defendants failed to adequately sterilize surgical instruments, failed to disclose the alleged issues with its sterilization process, and unjustly profited from the surgeries it performed during this time period.
- The Court decided that this lawsuit should proceed as a class action on behalf of a “Class,” or a group of people that could include you. The Class consists of all patients who underwent orthopedic or spinal surgery at Porter Adventist Hospital (“Porter”) between July 21, 2016, and April 5, 2018, and either received a written notice from Porter dated April 4, 2018, or April 6, 2018, or otherwise learned of the sterilization problems at Porter and subsequently underwent blood testing for bloodborne pathogens for which the results were negative (the “Class”). The Court has **not** decided that Defendants did anything wrong; rather, the case is scheduled to go to trial beginning April 10, 2023.

#### **YOUR RIGHTS AND OPTIONS IN THIS LAWSUIT**

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| <b><i>Do Nothing</i></b>         | <b>Stay in the lawsuit. Share in possible benefits. Give up certain rights.</b><br><br>By doing nothing, you are choosing to stay in the Class. You will be permitted to share in any recovery that may result from this Class Action, but you will give up any rights you may currently have to sue Defendants in a separate lawsuit for the claims at issue in this Class Action lawsuit. In addition, you will be bound by past and any future court rulings on the claims against Defendants. |
| <b><i>Ask to be Excluded</i></b> | <b>Get out of this lawsuit. Get no benefits. Keep your rights.</b><br><br>If you opt out of the Class (meaning you say in writing that you do not want to be included in this lawsuit), you will not be entitled to any recovery that may result from this Class Action, but you will not be bound by any past or future rulings against Defendants. You keep any rights you may currently have to sue Defendants on your own over the claims in this case.                                       |

**THESE RIGHTS AND OPTIONS—AND THE DEADLINES TO EXERCISE THEM—ARE EXPLAINED IN THIS NOTICE.**

#### **BASIC INFORMATION ABOUT THE LAWSUIT**

##### **1. Why did I get this Notice?**

Records indicate that you may have been a patient who underwent orthopedic or spinal surgery at Porter between July 21, 2016, and April 5, 2018, and subsequently underwent blood testing for bloodborne pathogens for which the results were negative.

This Notice explains that the Court has allowed, or “certified,” a class action lawsuit that may affect you. You have legal rights and options that you may exercise. Judge J. Eric Elliff of the District Court, City and County of Denver, State of Colorado, is overseeing this Class Action. The case is known as *Sterner et al. v. Portercare Adventist Health System et al.*, Case No. 2018CV34766 (the “Action”).

##### **2. What is the lawsuit about?**

In summary, the lawsuit alleges that Defendants failed to adequately sterilize surgical instruments, failed to inform the public and medical professionals of this sterilization problem, and unjustly profited from the surgeries it provided during this period of time. Defendants have denied each and every allegation.

### 3. What has happened in the lawsuit?

Plaintiffs filed a lawsuit against Defendants on behalf of themselves and other similarly situated patients alleging that Defendants had failed to adequately sterilize surgical instruments.

Plaintiffs amended their Complaint on February 26, 2019. On March 21, 2019, Defendants filed multiple motions to dismiss the Complaint, which the Court denied.

On July 17, 2020, the Court held a hearing on Plaintiffs' motion for class certification. On July 23, 2020, the Court granted the motion for class certification in part and certified the class as to the unjust enrichment and disgorgement of profits claim.

This case is set for a two-week trial to begin April 10, 2023.

### 4. What are Plaintiffs asking for?

Plaintiffs are asking for Defendants to return or disgorge their profits earned for each surgery performed for Class Members between July 21, 2016, and April 5, 2018.

### 5. Is there any money available now?

No money or benefits are available now because the Court has not yet decided whether Defendants did anything wrong and the two sides have not settled the case. There is no guarantee that money or benefits ever will be obtained. If they are, you will receive a notice describing how to receive a share.

## YOUR OPTIONS AS A CLASS MEMBER

### 6. What are my options as a Class Member?

You must decide whether to stay in the Class or opt out of it.

### 7. What happens if I choose to stay in the Class?

If you stay in the Class, you will be permitted to share in a recovery, if any, that may occur in this Class Action. However, you give up any rights to sue Defendants separately about the same legal claims in this lawsuit. You also will be legally bound by all of the orders the Court issues and judgments the Court makes in this Class Action, even if there is no recovery.

### 8. How do I stay in the Class?

You do not have to do anything at this time to stay in the Class.

### 9. What happens if I opt out of the Class?

If you opt out of the Class (by stating in writing that you do not want to be included in the Class), you will give up the right to participate in any recovery that may occur. However, you will keep any rights you may currently have to sue Defendants regarding the legal claims at issue in this lawsuit. You also will not be bound by the orders the Court issues and judgments the Court makes in this Class Action.

### 10. How do I opt out of the Class?

If you do not want to remain a member of the Class, **you must send** a written "Request to Opt Out" to the Notice Administrator so it is *postmarked* no later than June 5, 2022. Your written request must include:

- Your name, address, and telephone number;
- A statement confirming that you want to opt out of the Class; and
- The case name and number, "*Sternner et al. v. Portercare Adventist Health System et al.*, Case No. 2018CV34766."

Your Request to Opt Out must be sent to the following address:

Sternner v Portercare Adventist Health System  
Notice Administrator  
P.O. Box 6635  
Portland, OR 97228-6635

**For more information, go to [SternnerPortercareHealth.com](http://SternnerPortercareHealth.com).**

**11. What happens if I do not do anything?**

By doing nothing, you are choosing to stay in the Class.

**THE LAWYERS REPRESENTING YOU**

**12. As a Class Member, do I have a lawyer representing my interests in this Class Action?**

Yes. The Court has appointed lawyers to represent you and other Class Members. These lawyers are called Class Counsel. The following lawyers are representing the Class:

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| <p><b>Daniel A. Sloane, Esq.</b><br/> <b>David S. Woodruff, Esq.</b><br/> <b>Megan K. Matthews, Esq.</b><br/> <b>Wahlberg, Woodruff, Nimmo &amp; Sloane, LLP</b><br/> 4601 DTC Boulevard, Suite 950<br/> Denver, CO 80237<br/> Telephone: 303-571-5302<br/> www.denvertriallawyers.com</p> | <p><b>Joseph Zonies, Esq.</b><br/> <b>Greg Bentley, Esq.</b><br/> <b>Zonies Law LLC</b><br/> 1700 Lincoln Street, Suite 2400<br/> Denver, CO 80203<br/> Telephone: 720-464-5300<br/> www.zonieslaw.com</p> |
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**13. How will the lawyers be compensated?**

If recovery is obtained for the Class, Class Counsel will request from the Court an award for attorneys’ fees and expenses. If approved, these fees and expenses will either be paid from the recovery obtained for the Class or separately by Defendants.

**14. Should I get my own lawyer?**

You do not need to hire your own lawyer because Class Counsel is working for you. However, you are welcome to hire your own lawyer at your own expense. If you hire a lawyer to speak for you or to appear in Court, your lawyer must file a Notice of Appearance.

**GETTING MORE INFORMATION**

**15. Where do I get more information?**

This Notice contains a summary of your legal rights. If you have questions or would like more information, including how to exclude yourself from the Class, you should visit [SternervPortercareHealth.com](http://SternervPortercareHealth.com) or call 1-855-349-6398.

*Please do not contact the Court or Judge Elliff. They cannot answer any questions or discuss the Action.*

DATED: March 29, 2022

BY ORDER OF THE DISTRICT COURT, CITY AND COUNTY OF DENVER, STATE OF COLORADO

**For more information, go to [SternervPortercareHealth.com](http://SternervPortercareHealth.com).**